

DOCKET NO: HKH-34PCT

COMBINED DECLARATION FOR PATENT APPLICATION AND POWER OF ATTORNEY
(includes Reference to PCT International Applications)

As the below named inventors, We hereby declare that:

Our residence, post office address and citizenship are as stated below next to our names.

We believe we are the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

RESPIRATORY DEVICE AND METHOD FOR CONTROLLING A RESPIRATORY DEVICE

the specification of which (check one)

is attached hereto.

was filed as United States application
was filed on _____ Serial No.
and was amended on _____ . (if applicable)

was filed as PCT international application
Number PCT/DE04/02678 .
on December 7, 2004 .
and was amended under PCT Article 19
on _____ . (if applicable)

We hereby state that we have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, §1.56(a).

We hereby claim foreign priority benefits under Title 35, United States Code, §119 of any foreign application(s) for patent or inventor's certificate or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS
UNDER 35 U.S.C. 119:

COUNTRY (if PCT, indicate PCT)	APPLICATION NUMBER	DATE OF FILING (Day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
<u>GERMANY</u>	<u>10 2004 006 396.6</u>	<u>February 10, 2004</u>	<u><input checked="" type="checkbox"/> YES</u> <u><input type="checkbox"/> NO</u>

COUNTRY (if PCT, indicate PCT)	APPLICATION NUMBER	DATE OF FILING (Day, month, year)	PRIORITY CLAIMED UNDER 35 USC 119
_____	_____	_____	<u><input type="checkbox"/> YES</u> <u><input type="checkbox"/> NO</u>

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of the application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, We acknowledge the duty of disclose material information as defined in Title 37, Code of Federal Regulations, §1.56(a) which occurred between the filing date of the prior application(s) and the national or PCT international filing date of this application:

PRIOR U.S. APPLICATIONS OR PCT INTERNATIONAL APPLICATIONS DESIGNATING THE U.S.
FOR BENEFIT UNDER 35 U.S.C. 120:

U.S. APPLICATIONS:

<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status/ patented, pending, abandoned)</u>
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<u>(Application Serial No.)</u>	<u>(Filing Date)</u>	<u>(Status/ patented, pending, abandoned)</u>
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PCT APPLICATIONS DESIGNATING THE U.S.

<u>(PCT Appli. No.)</u>	<u>(PCT FILING DATE)</u>	<u>(PCT SERIAL NO.</u>	<u>(Status/ patented, pending, abandoned)</u>
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<u>(PCT Appli. No.)</u>	<u>(PCT FILING DATE)</u>	<u>(PCT SERIAL NO.</u>	<u>(Status/ patented, pending, abandoned)</u>
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We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

POWER OF ATTORNEY: As a named inventor, I hereby appoint the following attorneys and/or agents to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

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